

VIRGIL HOLT,) **NO. CV 15-5089-JVS (KS)**
Plaintiff,)
v.) **ORDER ACCEPTING FINDINGS AND**
P. FINANDER, et al,) **RECOMMENDATIONS OF UNITED**
Defendants.) **STATES MAGISTRATE JUDGE**
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The Court concludes that the arguments presented in the Objections do not affect or alter the analysis and conclusions set forth in the Report. However, in adopting the Report, the Court amends the Report to delete the word “permanent” on line 5 of page 25.

1 Accordingly, IT IS ORDERED THAT:

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3 (1) Plaintiff's deliberate indifference claims against Defendants Donnelly, Galura,
4 Morris, and Finander are DISMISSED with prejudice and without leave to amend;

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6 (2) Plaintiff's deliberate indifference claim against Defendant Fitter is DISMISSED
7 with leave to amend;

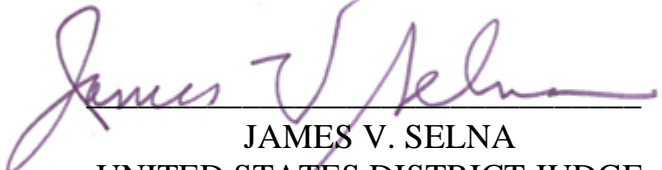
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9 (3) Plaintiff's First Amendment retaliation claims against Defendants Finander and
10 Olukanmi are DISMISSED with prejudice and without leave to amend;

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12 (4) all claims against Defendants Does 1-10 are DISMISSED with prejudice and
13 without leave to amend; and

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15 (5) within 30 days of this Order, Plaintiff shall file either a Second Amended Complaint
16 consistent with the Report; or a signed document entitled "Notice Of Intent Not To File
17 Second Amended Complaint" expressing Plaintiff's wish to proceed only on his deliberate
18 indifference claims against Defendants Chin, Olukanmi, Wu, and Acosta.

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20 A Second Amended Complaint shall not include: new defendants; new allegations that
21 are not reasonably related to the claims asserted in the First Amended Complaint; or claims
22 against defendants who have been dismissed with prejudice.

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25 DATED: October 18, 2016

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JAMES V. SELNA
UNITED STATES DISTRICT JUDGE